

**REMARKS**

**I. STATUS OF THE CLAIMS**

This is intended to be a full and complete response to the Office Action dated October 6, 2005. Claims 1, 15 and 16 have been amended. Claims 4, 9-10, 12-13, and 17-18 have been canceled. New claims 21-25 have been added, and support for such claims can be found in the specification on pages 22-23 and in the Examples. Upon entry of this amendment, claims 1-3, 5-8, 11, 14-16, and 19-25 are pending in this application. In view of the amendments presented above and the following discussion, the Applicants believe that all claims are in allowable form.

**II. THE CLAIMED INVENTION IS PATENTABLE OVER SLAVCHEFF**

The Examiner rejected original claims 1-4, 12, 14-20 under 35 U. S. C. § 102 (b) as being anticipated by U.S. patent 6, 270,783 to Slavcheff et al. ("Slavcheff"). More specifically, the Examiner asserted that Slavcheff teaches "skin treatment compositions impregnated on a substrate" including, for example, a composition comprising "a nonwoven fabric containing a resin dispersed in water along with microencapsulated cholesteryl ester carbonate (col. 8, example 1)."

In response, Applicants respectfully submit that Slavcheff fails to teach or suggest each and every limitation of the claimed invention. In particular, Applicants note that Slavcheff fails to teach *any product for application to the skin* that comprises *a liquid impregnate*, in combination with a water-insoluble substrate, and a plurality of microcapsules comprising a microcapsule wall surrounding a liquid core.

Rather, the only products for application to the skin described in Slavcheff are adhesive strips that are "dry-to-the-touch" (Col. 8, line 60, and throughout) and comprise a substrate with a pressure-sensitive or dry-to-the-touch adhesive film coated thereon. While the Slavcheff products may be made by dispersing an adhesive in solvent and introducing the dispersed adhesive to the substrate, such solvent is clearly removed prior to forming a product for use on the skin (Example 1 and throughout). Accordingly, Slavcheff fails to teach or suggest any product for use on the skin that comprising a liquid impregnate in

combination with a substrate and microcapsules as claimed, and the claimed invention is patentable thereover.

### **III. THE CLAIMED INVENTION IS PATENTABLE OVER CHARLE**

The Examiner rejected original claims 1-5, 8, 10, 12, 14-16, 19 and 20 under 35 U. S. C. § 102 (b) as being anticipated by GB 1, 304,375 to Charle et al. (“Charle”). More specifically, the Examiner asserted that Charle “teach make-up removing towels comprising a microencapsulated cream....” wherein “[t]he microcapsules are incorporated into cellulose acetobutyrate, which is dried, and then placed in absorbent paper napkins....”

In response, Applicants respectfully submit that Charle, like Slavcheff, fails to teach or suggest *any product for application to the skin* that comprises *a liquid impregnate*, in combination with a water-insoluble substrate, and a plurality of microcapsules comprising a microcapsule wall surrounding a liquid core. Rather, as recognized by the Examiner, all make-up removing towels described in Charle are products made by *drying* solvent therefrom to form a dry product for use on the skin. Such products for use in removing make-up clearly do not comprise any liquid impregnate as required by the claimed invention. Charle fails to teach or suggest any product for use on the skin that comprises a liquid impregnate in combination with a substrate and microcapsules as claimed, and the claimed invention is patentable thereover.

### **IV. THE CLAIMED INVENTION IS PATENTABLE OVER NORBURY**

The Examiner rejected original claims 1-10, 14-20 under 35 U. S. C. § 102 (b) as being anticipated by US 4, 878,775 to Norbury et al. (“Norbury”).

In response, Applicants respectfully submit that Norbury, like Charle and Slavcheff, fails to teach or suggest *any product for application to the skin* that comprises *a liquid impregnate*, in combination with a water-insoluble substrate, and a plurality of microcapsules comprising a microcapsule wall surrounding a liquid core. Rather, Norbury describes only dry liquid applicators (see Norbury at column 1, line 40). The applicator comprises a support/structural layer and microcapsules containing liquid, but no liquid impregnate.

Accordingly, Norbury fails to teach or suggest any product for use on the skin that comprises a liquid impregnate in combination with a substrate and microcapsules as claimed, and the claimed invention is patentable thereover.

#### **V. THE CLAIMED INVENTION IS PATENTABLE OVER LANG**

The Examiner rejected original claims 1-20 under 35 U. S. C. § 103 (a) as being unpatentable over U.S. patent 6, 429,261 to Lang et al. ("Lang"). More specifically, the Examiner acknowledged that Lang does not specifically teach a wipe containing all claimed elements, including microcapsules, but nevertheless asserts that it would have been obvious to incorporate microcapsules in a wipe according to the teachings of Lang to achieve the claimed invention.

In reply, applicants respectfully submit that Lang fails to provide any teaching, suggestion, or motivation to specifically select the claimed elements from among the laundry list of optional components listed therein to achieve the claimed invention and *the unexpected results* discovered by applicants to be associated therewith. Accordingly, the claimed invention is patentable thereover.

As illustrated in the instant application, applicants have discovered that the products of the claimed invention comprising a *liquid impregnate having a viscosity of less than about 10,000 cps* and *a plurality of microcapsules comprising a microcapsule wall surrounding a liquid core*, and methods of using such product, tend to achieve unexpectedly high increase in whitening to the skin (and other beneficial properties) as compared to products outside the claimed invention. For Example 1 and Comparative Example 1 illustrate that certain products of the claimed invention are useful in increasing whiteness to the skin, while comparative products tend to be significantly less useful in increasing whiteness to the skin.

Lang, on the other hand, discloses a variety of products which may or may not include any of a laundry list of liquids, microcapsules, and/or other optional components. Lang fails, however, to provide any teaching or suggestion to specifically select and combine a liquid impregnate having a viscosity of less than about 10,000 cps and a plurality of microcapsules with a substrate to achieve a product of the claimed invention, or that such combination has unexpected superior properties associated therewith as compared to other products described

in Lang. Thus, one of skill in the art would not be motivated by Lang to select and achieve the specific combination of components claimed by applicants, and the claimed products are patentable thereover.

In addition, Applicant's independent claims 15 and 21 recite limitations to laying a substrate in contact with skin for a period of time in order to achieve skin color/tone benefits. However, Lang fails to teach or suggest any method of applying a product of the claimed invention to the skin including the step of laying such product on the skin for a period of time, nor the unexpected properties achievable via such methods. Accordingly, for these reasons and the reasons above such methods are patentable over the cited patents.

## VI. CONCLUSION

In light of the amendments and remarks herein, Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited. If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Brett Freeman at 732-524-3428 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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